



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KELCEY DEPTULA,

Plaintiff,

-against-

JONATHAN ROSEN, et al.,

Defendants.

20-CV-2371 (JPC) (BCM)

**ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

The Court held a telephonic status conference in this action on November 19, 2020, attended by plaintiff's counsel Jean Phillippe G. Bruno, plaintiff Kelcey Deptula (who joined the conference approximately ten minutes after it began), defendants' counsel Robert Steinbuch, and defendant Jonathan Rosen (who left the conference briefly at one point but rejoined). For the reasons stated on the record during the conference it is hereby ORDERED that:

1. Defendants' renewed oral motion to revise or supplement their pending motion to dismiss (Dkt. No. 29) is DENIED. The Court notes that defendants' previous motion to revise or supplement their motion to dismiss (Dkt. No. 37) was denied on October 17, 2020. (Dkt. No. 40 ¶ 5.) Defendants have already revised and supplemented their motion to dismiss twice. (*See* Dkt. Nos. 20, 27, 29.) Briefing on the motion was originally set to have concluded today (*see* Dkt. No. 24 at 2), but was delayed due to plaintiff's counsel's motion to withdraw. (*See* Dkt No. 35.) The denial of the motion to withdraw (Dkt. No. 41) does not warrant any further delay in resolving defendants' motion to dismiss, made pursuant to Fed. R. Civ. P. 12(b)(2), (b)(3), (b)(5), and (b)(6). Defendants may withdraw or narrow their motion to dismiss by written notice filed on ECF no later than **December 1, 2020**, but may not, at this juncture, further revise or supplement it.

2. Unless the motion to dismiss is withdrawn entirely, plaintiff shall file her opposition papers no later than **December 15, 2020**. Defendants may file any reply papers no later than **December 22, 2020**.

It is further ORDERED that attorney Bruno shall carefully review this Court's Electronic Case Filings Rules & Instructions, available at <https://nysd.uscourts.gov/rules/ecf-related-instructions>, and shall consult the Rules & Instructions, as well as the other ECF resources available on the Court's website, prior to filing documents on the Court's electronic docket. Assistance may also be obtained via the ECF Helpdesk (212-805-0316). In particular, attorney Bruno shall familiarize himself with how to file letters (Rules & Insts. § 13.1), how to sign electronically filed documents (*id.* § 13.15), and how to select a "filing event" that corresponds to the nature of the document he is filing. (*Id.* § 13.17.) Attorney Bruno shall refrain from refiling unnecessary extra copies of plaintiff's complaint, amended complaint, or other pleadings. (*See* Dkt. Nos. 11, 13, 14, 45, 47.)

Dated: New York, New York  
November 20, 2020

**SO ORDERED.**



**BARBARA MOSES**  
**United States Magistrate Judge**